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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,410

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Robert Alberta Arnoldus Ponsen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOW, VAN NGUYEN

ART UNIT

PAPER NUMBER

2627

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/579,410	<b>Applicant(s)</b> PONSEN, ROBERT ALBERTA ARNOLDUS	
	<b>Examiner</b> Van N. Chow	<b>Art Unit</b> 2627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

***Response to Arguments***

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 7-9, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreurs et al. (US 2003/0058765) in view of Kamatani (US 5,587,981) (hereinafter '981).

Regarding claim 1, Schreurs discloses a device for recording recordable media belonging to at least one recordable media type, comprising:

discrimination unit for assessing, upon receipt of a medium, if the medium is a recordable medium (see Fig. 1 (120, 130) and fig. 2 (201) and [0034]),

a reading unit for reading user-information present on the medium (see Fig. 1, element 120),

a table of recordable media types, the table having a set of supported access functionalities for each recordable media type (see Fig.1 (160)),

a recognition unit for recognizing, when the discrimination unit has assessed that the medium is a recordable medium, the recordable media type to which the recordable medium belongs (see Fig. 1, element 140 and 160, Fig. 2, elements 208, [0023]),

an enabling unit for enabling the set of supported access functionalities for the recordable media type to which the recordable medium belongs (see Fig. 1, elements 140 and 160).

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Schreurs does not, but '981 discloses a recognition unit for recognizing type of disk and a device to read any data on the disk upon the failure of the recognition unit to recognize the type of disk (see '981 Fig. 2, S5-S6, S9, it is noted when the type of the disk has not been identified the device can read any data on disk which includes the user-information on the disk).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the recognition unit and the device to read any data on the disk as taught by '981 in the device of Schreurs, the motivation being in order to be able to reproduce optical data from varied optical disk format (see '981 abstract).

The combination of Schreurs and '981, discloses a user-information recovery unit for instructing the reading unit to read the user-information present on the recordable medium, upon failure of the recognition unit to recognize the recordable media type present in the table to which the recordable medium belongs (see Schreurs Fig. 1, elements 160, 120 and '981 Fig. 2, S5-S6, S9).

Regarding claims 4, 7-8, 11-12, see rejection above of claim 1.

Regarding claims 2, 5, 9 and 13, the combination of Schreurs and '981, disclose a device as claimed in claims 1, 4, 8, 12, respectively, wherein the table comprises recordable DVD media types (see Schreurs [0021]).

4. Claims 3, 6, 10, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreurs et al. (US 2003/0058765) and Kamatani (US 5,587,981) (hereinafter '981) in view of Taylor (US 20050154682).

Regarding claims 3, 6, 10, 14, Schreurs and '981, in combination, discloses a device as claimed in claim 2, 5, 9, 13, respectively, wherein the table comprises recordable CD-R, CD-R/W, DVD-R, DVD-R/W media types (see [0003]).

Schreurs and '981, in combination, do not but Taylor discloses a system for recording recordable DVD media types DVD+R, DVD-R, DVD+R/W, DVD-RW (see Fig. 1, [0025], [0030], [0044]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the table comprises recordable DVD+R and DVD+R/W media types in Schreurs, the motivation being in order to have a number of formats (see Taylor [0025]).

5. Claims 3, 6, 10, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schreurs et al. (US 2003/0058765) Kamatani (US 5,587,981) (hereinafter '981) in view of Miyake et al. (US 2001/0053114).

Regarding claims 3, 6, 10, 14, Schreurs and '981, in combination, disclose a device as claimed in claims 2, 5, 9, 13, respectively, wherein the table comprises recordable CD-R, CD-R/W, DVD-R, DVD-R/W media types (see [0003]).

Schreurs and '981, in combination, do not, but Miyake discloses a system for recording recordable DVD media types DVD+R, DVD-R, DVD+R/W, DVD-RW (see Figs. 55, 66).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the table comprises recordable DVD+R and DVD+R/W media types in Schreurs, the motivation being in order to be able to use variety of media types.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamatani (US 5,587,981) (hereinafter '981).

Regarding claim 7, discloses a device for accessing a medium including user- information, the device comprising: a reading unit for reading the user-information present on the medium; a recognition unit for recognizing a type of the medium; and a user-information recovery unit for instructing the reading unit to read the user-information present on the medium, upon failure of the recognition unit to recognize the type of the medium (see Fig. 2, S5-S6, S9, abstract).

Regarding claim 11, see rejection above of claim 7.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Taylor US 20050154682.

Oh et al. US 6931654.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is (571)272-7590. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Van N. Chow/  
Examiner, Art Unit 2627

/Thang V. Tran/  
Primary Examiner, Art Unit 2627